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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,560

10/11/2005

Mark Ryan Mayernick

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/21/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/552,560	<b>Applicant(s)</b> MAYERNICK, MARK RYAN	
	<b>Examiner</b> Shick C. Hom	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1-11 are objected to because of the following informalities: in claims 1-11 delete numbers and parenthesis. In claim 6 line 2 delete "an Simple" and insert ---a Simple----. Appropriate correction is required.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. (5,915,087) in view of Shue et al. (6,862,564).

Hammond et al. disclose the method of configuring, in a router, a port for coupling to a network, said method comprising: receiving a message to configure said port for use with said network; associating, responsive to receiving said message, a set of mapping assignments for using said port to access said network; and implementing said mapping assignments, responsive to associating said mapping assignments, to configure said port for coupling to said network; and storing said mapping assignments (see col. 4 line 65 to col. 5 line 16 which recite the step of receiving a message at the port manager 224 whereby the operating system of the port manager bind it to a port including the use of a link table 310 to keep track of which

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ports are bound and to provide mapping for routing of messages) as in claims 1-2, 10, 11; wherein said network is a Wide Area Network (WAN) as in claims 3, 11; wherein said network is a Local Area Network (LAN) as in claims 4, 11; wherein said network is a Local Area Network (LAN) prior to said step of implementing and is a Wide Area Network (WAN) after said step of implementing as in claim 5 (see col. 1 lines 21-28 which recite the private network such as a local area network LAN connected to the Internet, i.e. WAN).

Hammond et al. disclose all the subject matter of the claimed invention with the exception of the port being a physical port for coupling to a network as in claims 1, 10, 11; wherein said message is implemented using an Simple Network Management Protocol (SNMP) SET command as in claim 6; wherein said message is implemented using HyperText Transfer Protocol (HTTP) data as in claim 7; wherein said message is created after detecting at least one hardware switch setting change as in claim 8; and wherein said message is implemented using a router proprietary command message as in claim 9.

Shue et al. from the same or similar fields of endeavor teach that it is known to provide the physical port for coupling to a network as in claims 1, 10, 11 (see col. 6 line 58 to col. 9 which recite the port manager providing physical port ID

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information to the trunk manager clearly anticipate the physical port being coupled to the network); wherein said message is implemented using an Simple Network Management Protocol (SNMP) SET command as in claim 6; wherein said message is implemented using HyperText Transfer Protocol (HTTP) data as in claim 7 (see col. 5 lines 17-27 which recite the use of one of several Interior Gateway Protocols IGPs, i.e. protocol used to exchange routing information between routers in the Internet clearly anticipate the use of SNMP and HTTP protocols); wherein said message is created after detecting at least one hardware switch setting change as in claim 8 (see col. 6 lines 52-57 which recite port manager updating the change in port status including arch change clearly reads on detecting hardware switch setting change); and wherein said message is implemented using a router proprietary command message as in claim 9 (see col. 5 lines 17-27 which recite the router protocol being used).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide physical port for coupling to a network as in claims 1, 10, 11; wherein said message is implemented using an Simple Network Management Protocol (SNMP) SET command as in claim 6; wherein said message is implemented using HyperText Transfer Protocol (HTTP) data as in claim 7; wherein said message is

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created after detecting at least one hardware switch setting change as in claim 8; and wherein said message is implemented using a router proprietary command message as taught by Shue et al. in the communications method and apparatus of Hammond et al.

The physical port for coupling to a network as in claims 1, 10, 11; wherein said message is implemented using an Simple Network Management Protocol (SNMP) SET command as in claim 6; wherein said message is implemented using HyperText Transfer Protocol (HTTP) data as in claim 7; wherein said message is created after detecting at least one hardware switch setting change as in claim 8; and wherein said message is implemented using a router proprietary command message as in claim 9 can be implemented by having the port manager providing physical port ID information to the trunk manager; use of one of several Interior Gateway Protocols IGPs, i.e. SNMP and HTTP protocols to exchange routing information between routers in the Internet; including the port manager updating the change in port status including arch change, i.e. detecting hardware switch setting change; and use of a router of Shue et al. in port manager of Hammond et al. The motivation for having the port manager providing physical port ID information to the trunk manager; use of one of several Interior Gateway Protocols IGPs, i.e. SNMP and HTTP protocols to exchange routing information between routers

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in the Internet; including the port manager updating the change in port status including arch change, i.e. detecting hardware switch setting change; and use of a router as taught by Shue et al. in the communication method and apparatus of Hammond et al. being that it provides the desirable added feature of configuring physical port and detection of hardware switch setting change in the network by the port manager and it provides more efficiency for the system since the system uses standard SNMP and HTTP protocols to exchange information and router for routing data.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Isfeld et al. disclose a high throughput message passing process using latency and reliability classes.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be



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reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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